Nova Scotia Utility and Review Board

Business Plan

Fiscal Year Ending March 31, 2006

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A. MISSION STATEMENT

The Nova Scotia Utility and Review Board is an independent quasi-judicial tribunal tasked with the legal responsibility to carry out the mandate assigned by government through statute and regulation.

B. PLANNING CONTEXT

General

The Board is the largest administrative tribunal in the province with arguably the greatest impact on the lives of ordinary Nova Scotians. Its quasi-judicial mandate is set by legislation and associated regulations, and includes the following major functions :

- General supervision of all public utilities including approving: establishment of utilities, rates and terms of service, capital expenditures in excess of $25,000, resolution of certain types of complaints and abandonment of service.
- Approval of franchises for distribution of natural gas, regulation of construction and operation of pipelines and associated facilities, and construction and operation of underground hydrocarbon storage facilities. This may include such things as: establishment of franchises; issuance of operating permits; setting of rates; approving terms of supply, and permitting abandonment of service.
- Safety inspection of all busses and other regulated vehicles operating as public passenger carriers in the province. Economic regulation of public passenger bus operations.
- Hearing appeals from the Regional Assessment Appeal Courts concerning assessed values of property for municipal taxation purposes.
- Hearing appeals from decisions of municipal councils and development officers relating to planning matters.
- Establishing the value of expropriated land where in dispute.
- Hearing appeals from decisions of the Director of Victim's Rights and Services relating to compensation for victims of crime.
- Setting the number of representatives and electoral boundaries for municipalities and school boards.
- Approving tolls for the Halifax-Dartmouth bridges.

- Granting of permanent liquor licenses, approving transfers, approving alterations in Board imposed licensing conditions, and disciplinary hearings concerning licensees.

- Hearing appeals from decisions of the Alcohol and Gaming Authority, disciplining of gaming licencees, and hearing applications for reinstatement of access to casinos for those who voluntarily exclude themselves.

- Hearing appeals from decisions of the film classifiers of the Alcohol and Gaming Authority relating to film classifications.

- Regulation of short line railways.

- Hearing appeals from orders made by the Fire Marshall and others as the Fire Safety Appeal Board.

The Board has, or will have during the year, a total of 47 members and staff divided into the following major categories:

Quasi-judicial function:	
Full-time Board members [1]	8
Part-time Board members [2]	1
Advisory staff	5
Board Clerks	3
Secretarial and hearing staff	8
Administrative and logistical support	4
Computer services	1
	30
Motor Carrier Administration	
Director	1
Secretarial and licensing staff	4
Motor Carrier inspection and enforcement	12
	17
Total	47

[1] Two full-time member positions are currently vacant and expected to be filled early in the fiscal year.

[2] One part-time member is currently appointed for a period of one year.

Stakeholders

There are a number of key stakeholders serviced by the Board. They are:

- utility ratepayers (e.g., residential, commercial, institutional and government users) and the utilities themselves (e.g., electric, water, and natural gas),
- members of the public, commercial enterprises and governments participating in liquor licensing hearings and other related Alcohol and Gaming hearing functions,
- members of the public seeking redress through the various appeal processes (e.g., assessment, planning, victims of crime),
- members of the public, commercial enterprises, and governments seeking to resolve disputes relating to the value of expropriated land,
- users of public passenger vehicles (including public transit; commuter vans; school, not-for-profit and charter busses) and the licenced carriers,
- municipalities and school boards,
- the Halifax-Dartmouth Bridge Commission and those using the bridges, and
- the citizens and governments of Nova Scotia who are generally affected by widespread economic changes resulting from Board decisions.

Challenges

The most significant challenges facing the UARB in the planning year are:

- Dealing with expanding responsibilities and workloads while maintaining service levels. The Board strives to be as efficient as possible in its operations, keeping its costs to a minimum and rendering decisions within a reasonable time period.
- The continuing development of the natural gas industry and its impact on regulatory activities. This includes activities under the *Pipeline Act* for approving and monitoring pipeline construction and related facilities within the province.
- Accommodating changes in the Nova Scotia energy industry resulting from ongoing implementation of the government Energy Policy.
- Continuing competent and timely performance of the duties assigned. As a court-

like entity having specific regulatory, adjudicative and administrative responsibilities set out in statute or regulation the UARB is essentially demand driven. It's primary duty is to exercise those powers delegated to it by the Legislature.

C. STRATEGIC GOALS

1. To produce fair, legally correct, timely and well reasoned decisions for all applications and appeals.

2. To maintain a safe and economically strong motor carrier fleet to meet the needs of the traveling public.

D. CORE BUSINESS AREAS

1. Quasi-judicial Function. This is the Board's primary function - to exercise the powers of the Legislature as delegated through various statutes. Operations are conducted by board members and supported with administrative and advisory staff.

2. Motor Carrier (Public Passenger) Administration. This involves the safety inspection, licensing, administration and enforcement functions relating to the public passenger industry and some not-for-profit organizations. Operations are undertaken by the staff of the Motor Carrier Division.

E. PRIORITIES

Core Area 1 - Quasi-judicial Function

1. Maintain a sufficient number of Board members with an appropriate mix of expertise in order to effectively carry out the assigned mandate.

2. Maintain essential independence.

3. Maintain a support infrastructure sufficient to ensure that hearings and decision making operations are not impaired. This includes ensuring sufficient competent advisory and administrative staff are available and that there are adequate hearing and office facilities.

4. Ensure operations are being conducted in the most efficient manner possible within legal and resource limitations.

Core Area 2 - Motor Carrier (Public Passenger) Administration.

1. Maintain inspection capability sufficient to inspect all public passenger vehicles twice annually.

2. Complete updating of the 15 year old computerized inspection and licensing system and associated business processes in order to minimize costs associated with licensing administration, provide inspection staff with accurate and timely information critical to their activities, and avoid failure due to technological obsolescence.

3. Maintain necessary level of trained staff for administration of licensing and inspection information systems.

4. Continue review of existing procedures regarding inspections and business processes to ensure costs are minimized and no unnecessary administrative burden is placed on stakeholders.

F. BUDGET CONTEXT

Nova Scotia Utility & Review Board - Estimated Budget Expenditures by Core Business		
Core Business (all)	Forecast [3] 2004 - 2005	Budget - Next Fiscal Year 2005 - 2006
	000's	000's
Revenues:		
Grant from Province of Nova Scotia	2,882.0	3,087.0
Recoveries from utilities and others	2,675.1	1,508.6
Total Revenues	5,557.1	4,595.6
Expenditures:	5,420.1	4,595.6
Expected net income (loss)	137.0	0.0
Surplus, beginning of year	714.3	855.8
Surplus, end of year	851.3	855.8
Salaries and benefits	3,042.9	3,317.8
Funded members and staff (FTE's)	46.0	47.0

[3] Forecast figures are based on interim financial data and may very materially from final results.

G. OUTCOMES AND PERFORMANCE MEASURES

Outcome measures in a quasi-judicial environment are somewhat difficult to develop as the primary emphasis must always be on producing an unbiased, timely, fair and legally correct decision based on the specific facts of each case. The following are felt to be reasonable measures for the 2005 - 2006 planning period:

Quasi-judicial Function

1. Improve efficiency in carrying out the Board's legal mandate by continuing a review of the Board's case management and hearing processes begun in fiscal 2005. This includes examining rules of procedure for hearings, including settlement rules.

2. Issue decisions within 90 days of the date of receipt of final submissions unless an earlier date is set by law or where, by tradition, an earlier deadline is the ordinary practice. Seek to issue decisions on interlocutory matters within 10 business days.

Motor Carrier (Public Passenger) Administration

3. Continue with current vehicle inspection program. Public passenger vehicles are safety inspected at least twice annually with other inspections and investigations occurring as circumstances require.

4. Complete modernization of computerized motor carrier licensing system.

5. Continue with review of motor carrier inspection and business processes.

Appendix A: List of Statutes Containing Board Mandate

1. Assessment Act, RSNS 1989, c.23 as amended
2. Education Act, SNS 1995-96, c.1 as amended
3. Electrical Installation & Inspection Act, RSNS.1989, c. 141, s.1 as amended
4. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
5. Expropriation Act, RSNS 1989, c.156 (prior to Feb. 1996)
6. Expropriation Act, RSNS 1995, c. 19 (post Feb. 1996)
7. Fire Safety Act, SNS 2002, c. 6
8. Gaming Control Act, SNS 1994-95, c.1
9. Gas Distribution Act, RSNS, 1997, c. 4 as amended
10. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
11. Heritage Property Act, RSNS 1989, c.199
12. Liquor Control Act, RSNS 1989, c. 260 as amended
13. Motor Carrier Act (public passenger only), RSNS 1989, c.292 as amended
14. Motor Vehicle Transport Act of Canada, 1987 (Federal)
15. Municipal Government Act, SNS 1998, c.18 as amended
16. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
17. Nova Scotia Power Privatization Act, SNS 1992, c.8
18. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
19. Pipeline Act, SNS 1980, c. 13, s.1 as amended
20. Public Utilities Act, RSNS 1989, c.380 as amended
21. Railways Act, SNS 1993, c.11 as amended
22. Revenue Act, SNS 1995-96, c.17 as amended
23. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
24. Underground Hydrocarbons Storage Act, SNS 2001, c.37
25. Utility and Review Board Act, SNS 1992 as amended
26. Victims' Rights and Services Act, RSNS 1989, c.14 as amended